

CR-1291-2015 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR-1291-2015 (O&M).
Decided on: March 17, 2015.**

Prithi Ram through LR Madan Lal

..... Petitioner(s)

Versus

Dharambir and others

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Himanshu Puri, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL)

The plaintiff-petitioner had sought permission to adduce documentary evidence as additional evidence. His application was dismissed. He approached this Court in revisional jurisdiction. Revision petition was allowed on 28.11.2014 giving a direction that one opportunity will be granted to the plaintiff- petitioner to lead documentary evidence on or before 16.12.2014 subject to payment of costs of Rs.5,000/- to the contesting defendants. Vide order Annexure P11, the trial Court has observed in the impugned order dated 16.12.2014 that the High Court has granted only one opportunity to the plaintiff-petitioner to lead documentary evidence on or before next date of hearing but since no documentary evidence has been tendered on that day, as such, no further opportunity could be granted to the plaintiff-petitioner to lead documentary evidence. Despite direction of the High Court, the plaintiff-petitioner has been

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deprived of the production of official record.

On asking of the Court, counsel for the plaintiff-petitioner has submitted that map of the house prepared by the Municipal Corporation and certain electricity bills are to be produced by the plaintiff-petitioner.

After considering the facts and circumstances of the case, it appears that the learned trial Court has misconstrued the directions issued by a Coordinate Bench of this Court to enable the plaintiff-petitioner to produce documentary evidence. The documents sought to be proved are part of the official record, as such, would be required to be proved by production of the certified copy of the documents if the same are admissible under Section 76 of the Evidence Act or by concerned official from the appropriate Department. In the present case documents sought to be proved are to be produced by the officials of Municipal Corporation.

This petition is disposed of with a direction to the Civil Judge (Jr. Divn.), Gurgaon, to grant opportunity to the plaintiff-petitioner to produce documentary evidence to enable the plaintiff-petitioner to prove the same either by officials of the Municipal Corporation or by production of the certified copies of the documents if the said documents are admissible under Section 76 of the Evidence Act. The trial Court is directed to comply with the directions dated 28.11.2014, in letter and spirit as mentioned hereinabove.

In the interest of justice, it is observed that it will be

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the duty of the plaintiff-petitioner to either produce the concerned officials at his own responsibility or seek summons for their appearance as per Order 16 Rules 6, 7A and 10 of CPC.

March 17, 2015.
rka

(M.M.S. BEDI)
JUDGE